

Application No. 10/773,446

REMARKS

With entry of this amendment, claims 1-39 and 53-62 are pending. Claims 40-52 have been canceled without prejudice. Claim 1 has been amended to correct spelling errors and to add the recitations "subretinal space" and "or product thereof", as supported, for example, in the specification at pages 54 and 31, respectively. Claim 13 has been amended to include the recitation "or activity", in conformance with claim 1. New claims 53-62 have been added to recite specific embodiments of the invention, as described throughout the specification. No new matter has been added.

Election

In response to the restriction requirement, Applicants elect Group V, Claims 2-13, 15-17 and 53-62 (newly entered), drawn to a method of delaying or reversing a retinal or choroidal degenerative disease using an agent that modulates expression or activity of an AMDP-related or phagocytosis related gene wherein the agent is an antibody.

In response to the further requirement to elect one sequence from claim 2, applicants elect SEQ ID NO:15, corresponding to the human MT1-MMP gene. This election is made with traverse, for the reasons set forth below.

The requirement that one sequence from claim 2 be elected is traversed. It is respectfully submitted that it is an undue burden on Applicants to be restricted to one nucleotide sequence in the present application. This would require the filing of 16 additional applications to have all of SEQ ID NOS 1-17 examined. MPEP 803.04 states that "it has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction." Accordingly, it is respectfully requested that SEQ ID NOS 1-9 be examined along with SEQ ID NO:15.

In response to the requirement that applicants elect a single species from claim 9, applicants elect an RPE cell.

Applicants understand that groups I-VI will be rejoined if linking claim 1 is found to

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be allowable, and that additional species of claim 9 will be examined if the elected species is found to be patentable over the prior art.

Early and favorable action on the application is respectfully requested.

Respectfully submitted,

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